REMARKS

In the office action mailed on July 25, 2007, claims 139-191 were rejected. In response, the Claims have been modified as indicated above. Based upon these amendments, and the remarks below, Applicant submits that the claims are now allowable and requests issuance of the present application.

To provide clarity regarding the present invention, the pending claims have been amended to specify that the present invention concerns the assembly of an animated image. Accordingly, Claims 139, 157, 166, and 184 have been amended to clarify that the animated image for display is assembled based upon available properties, rather than being generated from a plurality of part images. Claims 139, 149, 157, 166, and 184 are also amended to indicate that each animation property is associated with an animation parameter value.

Claim Rejections under 35 USC § 102

Claims 139, 140, 147, 149, 150, 155, 157, 158, 163, 166, 167, 172, 175, 176, 181, 184, 185, and 190 have been rejected under 35 USC § 102(b) as anticipated by *Strandberg* (U.S. Pat. No. 6,054,999). As explained below, the Applicant submits that the amended claims are patentably distinguishable from and are not shown or suggested in the *Strandberg* reference. As such, the claims are allowable.

As a threshold matter, Applicant finds only superficial similarities between the claimed invention and the subject matter of *Strandberg*. As described in Paragraph [0001] of the specification, the present invention relates to the display of images on an apparatus having low bandwidth and low processor capabilities. In contrast, *Strandberg* clearly requires significant processor capabilities in order to process the movements of a human actor and convert into a cartoon image. For example, see *Strandberg*, Col. 12, lines 16-22, which detail the extensive requirements of its movement recording system. In this context, the details of the above listed claims simply do not appear in *Strandberg*.

As suggested above, the present invention relates to a method of assembling an image that is constructed from a number of previously identified parts and parameters. In another words, the image is constructed from individual components and built up into an animated image. The nature of the present method is reinforced by the claims (e.g., Claim

143), which note that the specifications needed to generate the image can be received as part of a text message to a mobile phone.

Turning now to the cited reference, Applicant submits that *Strandberg* fails to teach or suggest the actions of (i) specifying an animation property from a number of available properties; (ii) associating each property with a parameter value, or (iii) allowing the parameter value to be varied. *Strandberg* merely teaches recording the movements of a human actor and then comparing their body position with a set of drawings in order to create a cartoon. In contrast, the claimed invention of the present application utilizes selected properties to assemble the animated images. Applicant contends that *Strandberg* simply fails to teach or suggest the "specification" of an animation property as set forth in the claims of the present invention. *Strandberg* does not include or utilize a number of component specifications which can be combined in the manner of the independent claims to assemble an animated image.

When considering the presently claimed subject matter as a whole, there is very little overlap between the features of the present invention and the teachings of *Strandberg*. As set forth in the claims, the present invention provides steps for assembling of an animated image which are particularly useful in applications having low bandwidth and low processor "power". Again, one particular application requiring these needs includes displays on mobile phones and other handheld devices. These steps and optimal uses are quite distinct from *Strandberg's* method of producing animations from extensive human movement patterns. As such, the Applicant submits that *Strandberg* does not provide sufficient teaching to anticipate claims 139, 140, 147, 149, 150, 155, 157, 158, 163, 166, 167, 172, 175, 176, 181, 184, 185 and 190. The above referenced rejections under 35 USC § 102 are consequently inappropriate and the Applicant requests allowance of these rejected claims.

Claim Rejections under 35 USC § 103

In addition to the rejections outlined above, claims 141-143, 148, 151, 152, 156, 159, 160, 164, 165, 168, 169, 173, 174, 177, 178, 182, 183, 186, 187, and 191 were rejected as being unpatentable over *Strandberg* in view of Kakiyama (U.S. Pat. No. 5,600,767). Applicant submits that the cited references do not provide sufficient teaching to render the claims obvious. Consequently, these rejections are inappropriate and Applicant requests allowance of these claims.

The Applicant wishes to draw the Examiner's attention to the meaning of "text message" in the context of the present application as compared to that in *Kakiyama*. Figures 19A-19C in *Kakiyama* as referenced by the Examiner relate to the manner in which an image is created. As shown by these figures, a user is presented with a number of questions in the form of text in an on-screen message. Selection of various options determines which features of the image to create.

Neither these figures nor the rest of the Kakiyama reference disclose the use of a mobile telephone-to-mobile telephone text message (also known as a "SMS" or short message service message) as set forth in Claim 141 in the present invention. Therefore, the Applicant contends that Kakiyama is not relevant and fails to teach or suggest the use of a mobile telephone text message to assemble an animated image. Consequently, Applicant submits that a prima facie case of obviousness has not been established for these claims. Applicant respectfully requests that the rejection of these claims under 35 U.S.C. § 103 be withdrawn.

CONCLUSION

In light of the above amendments and arguments Applicant asserts that the invention as claimed is both novel and non-obvious over the prior art. It is respectfully requested that the Examiner will find these claims allowable and pass the present application to issuance.

In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at 612-607-7387. If any additional fees are due in connection with the filing of this paper, then the Commissioner is authorized to charge such fees including fees for any extension of time, to Deposit Account No. 50-1901 (Reference No. 22557-3013).

Respectfully submitted,

By: 

Craig J. Lervick, Reg. No. 35,244
Customer No. 34205
Oppenheimer Wolff & Donnelly LLP
45 South Seventh Street, Suite 3300
Minneapolis, MN 55402
Telephone: (612) 607-7387
Facsimile: (612) 607-7100